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PUBLIC NOTICES.

THE MEDICO-LEGAL SOCIETY.

(*President:* The Right Hon. LORD RIDDELL.)

An Ordinary Meeting of the Society will be held at 11 Chandos-street, Cavendish-square, W.1, on Thursday, the 26th May, 1932, at 8.30 p.m., when a Paper will be read by—

Colonel L. W. HARRISON, D.S.O., F.R.C.P., R.A.M.C., on

"THE MEDICO-LEGAL ASPECTS OF VENEREAL DISEASE"

which will be followed by a discussion.

Members may introduce guests to the meeting upon production of the member's private card.

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13th May 1932.

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The Right Hon. LORD BLANESBURGH, G.B.E., President, will take the Chair at The One Hundred and Fifteenth Annual General Court to be held in the Council Chamber of The Law Society on Wednesday, the 1st June, 1932. The Chair will be taken at 2 o'clock precisely. All members of the profession will be welcome.

BY ORDER of the Lord Chancellor the offices of the County Courts and the District Registries of the High Court will be closed on the 3rd June, 1932, the day appointed to be kept as the King's Birthday, unless in any particular case the Lord Chancellor otherwise directs.

House of Lords, S.W.1,
14th April, 1932.

LECTURES.

GRESHAM COLLEGE, Basinghall-street, London, E.C.2. Four Lectures on "Criminal Law" will be delivered by Mr. G. W. Wrangham, B.A., the Gresham Lecturer on Law, on Tuesday to Friday, 24th to 27th May, at 6 p.m. each evening. Admission Free.

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The Solicitors' Journal

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Current Topics.

Shorthand Transcripts.

ONCE AGAIN Lord Justice SCRUTTON has been vigorously denouncing, as an unnecessary addition to the cost of litigation, the growing practice of providing full transcripts of the shorthand notes of the evidence taken in courts of first instance. Recently, in one case which came before the Court of Appeal, he stated that the cost of the transcripts furnished for the use of the three members of the court and for the use of counsel came to nearly £250, while in another case the total cost approached £400. He pointed out that it is the duty of the trial judge to take a sufficient note of the evidence which should be adequate for the purposes of the appeal. Lord Justice GREER added that he regretted the decadence of the old practice whereby junior counsel was accustomed to take a full note which might supplement, if necessary, that of the judge. There is something, however, to be said on the other side of this question. To compel the trial judge to be more intent on taking down everything that the witnesses say than on watching their demeanour may prove to be penny wise and pound foolish. There is a tradition that a distinguished judge of the past, when asked by the Court of Appeal for a copy of his notes in an action regarding an alleged nuisance caused by the too copious emission of smoke from a chimney, sent one sheet of paper merely depicting the tall chimney which was said to be the offender, and the judge himself peering down its dusky tube; he, it seems, had been regarding the witnesses rather than taking down what they said. In these days of economic stress, to suggest the appointment of an official shorthand writer in each court, who should supply the parties with a transcript at a moderate cost, would not, as may be imagined, evoke a sympathetic response in the minds of the Treasury, but it surely represents an ideal in the administration of justice towards which we should tend.

Osteopaths and the Medical Act.

THE DIVISIONAL COURT recently considered the claims of bonesetters to use the title "Osteopathic Physician and Surgeon" in *Whitwell* v. *Shakesby* (see p. 360, *infra*). The appeal was by way of case stated from a refusal of a magistrate to convict the respondent under s. 40 of the Medical Act, 1858, of "wilfully and falsely pretending to be or take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon . . . or that he is recognised by law as a physician or surgeon." The respondent was not registered under the Medical Act, 1858, but he described himself as a doctor of osteopathy and an honorary member of the Incorporated Association of Osteopaths, Ltd., in the directory of which appeared the statement "each member has a right under the articles of association to the title of osteopathic physician and surgeon." The magistrate found that the respondent had used the title "physician and surgeon" "wilfully" within the meaning of the Act, and that the statement in the directory afforded the respondent no defence. He found, however, that by the use of the word "bonesetter" on his name-plate and by the use of the word "osteopathic" he qualified the titles of "physician" and "surgeon," so that they became a mere amplification of the description "bonesetter," and therefore he did not use them falsely. The Lord Chief Justice, in sending the case back with a direction to convict, said that "amplification" meant that something was added, and that if, as was argued for the respondent, the words "physician and surgeon" were added merely because they were something grander than "bonesetter," they were only grander because they appeared to suggest that the respondent had qualifications which in fact he had not and which the Medical Act forbade him to assume. His lordship distinguished the case of *Ladd* v. *Gould*, 24 J.P. 357, in which it was found that a chemist who put on his door the words "surgeon and mechanical dentist" did so simply to show what branches of the business of dentist he carried on and not to represent himself as a surgeon within the meaning of the Act. The authorities seem to show that the essence of the offence is the wilful and false assumption of the titles, *Ellis* v. *Kelly* (1860), 6 H. & N. 222, and it may be committed even by a registered medical practitioner if he assume a title which he does not actually possess. In *R.* v. *Baker*, 56 J.P. 406, Lord COLERIDGE, C.J., said: "A person who may be an excellent doctor of medicine, may be an absolutely incompetent surgeon, and if he put surgeon after his name when he is 'M.D.' only it would be misleading people; and that is a thing this Act of Parliament was intended to prevent." Similarly, a man may be an excellent bonesetter, and yet neither a physician nor surgeon. It might be said that the Medical Act, 1858, was intended to prevent practitioners from misapplying the words of Iago "what wound did ever heal but by degrees?"

Escaping Motor-Bandits.

SIR ST. JOHN BRANCH has in *The Times* again propounded the legal rights and duties of victims and spectators of "smash-and-grab" raids, especially with regard to the use of fire-arms. In the ordinary case, no doubt, the gang concerned have carried out their raid, and have flung themselves into their car, which the driver has at once accelerated, before either victims or spectators have realised the position, and are ready to act. In such circumstances arrest is only possible by disabling car or driver with a shot or missile, and even then the policeman or civilian is faced with the task of stopping three or four desperate men, who naturally scatter, and are usually young and nimble. We may, perhaps, refer to several of our own previous discussions on the subject, e.g., "Escaping Wrong-doers," 70 SOL. J. 2, "The Right to Kill a Burglar," 70 SOL. J. 826, "Shooting Smugglers," 73 SOL. J. 273, and "The Legal Position of a Bicycle Thief," 73 SOL. J. 684. The matter is also treated at

some length in "Archbold's Criminal Pleading," see 28th ed., pp. 905-7, in which the distinction is pointed out between shooting violent felons on the one hand, and persons committing felonies without violence, or misdemeanants on the other. This distinction is illustrated by such cases as *R.* v. *Scully* (1824), 1 C. & P. 319 (firing at and killing a hen-roost robber. The prisoner had, however, been threatened by the man's accomplice, and was found to have fired in self-defence) and *R.* v. *Dadson* (1850), 2 Den. 35 (a constable shooting at a man who was stealing wood from a copse). A burglar actually breaking in may no doubt be repelled with any degree of violence, and if he was shot, and the shot killed him, presumably a verdict of "justifiable homicide" would be recorded against the slayer. Sir ST. JOHN quotes the possible case of the burglar being shot dead without notice when packing up his loot, a course which Mr. Justice WILLES was said to have endorsed as lawful, if not even a matter of legal duty. Sir ST. JOHN suggests that would require strong justification, but the householder might urge that, on the doctrine of "safety-first," he was justified in getting in the first shot with a criminal who might be of the American gangster type, and ready to shoot him dead if he gave him a fraction of a second's notice. Another well-known judge was reputed to say that he would, without hesitation, shoot a burglar escaping with his loot after completing his crime. If, however, the man happened to be a sneak-thief stealing fowls from a roost and not a burglar, and was shot dead, the act would be murder or, at least, manslaughter. The justification of a jeweller who shot escaping smash-and-grab raiders would not, of course, be recovery of his property, but the arrest of violent felons. Unfortunately, if motor-bandits are given a few seconds, chase of them is usually futile, and there is evidence of considerable staff-work in planning the "get-away" of an important raid.

Directors and Stamp Duty.

AN INGENIOUS attempt to extend a joint stock company director's personal liability beyond the express provisions of the Companies Act, 1929, came to grief in the Divisional Court on 22nd April (*The Times*, 23rd April) when an appeal on behalf of two company directors was heard from a decision of the County of London Quarter Sessions. The directors had been charged and convicted of being knowingly parties to the default of the company of which they were directors, in that the company failed to deliver to the Registrar of Companies for registration a duly stamped contract in writing constituting the title of allottees to the allotment of 80,000 shares of the company allotted as fully paid up otherwise than in cash, contrary to s. 42 of the Companies Act, 1929, and they were each fined £5 and two guineas costs, or in default of payment one month's imprisonment. The contract in question had been entered into on 7th November, 1929, but owing to the default of another company which had been a party to the contract and which had agreed to provide the cost of stamping it, the agreement was never stamped, and never delivered to the Registrar. The other company subsequently went into compulsory liquidation and after 7th March, 1930, the first company found itself entirely without funds or assets except for a process which was said to be of potential value, provided capital could be found to exploit it. A return of allotments filed on 19th December, 1929, included the allotment of 80,000 shares otherwise than for cash in pursuance of the agreement of 7th November, 1929. On 17th July, 1930, the Solicitor of the Board of Trade wrote to the company, giving notice of the company's default to deliver a contract duly stamped in respect of which shares were allotted for a consideration other than cash pursuant to s. 42 of the Companies Act, 1929, and a similar notice of personal default was given to the directors by letter of 26th August, 1930. Under s. 42 (3) of the Companies Act, 1929, "every director, manager, secretary or other officer of the company who is knowingly a party to the default" is to be liable to a maximum penalty of £50 for every day during the continuance of the default. The directors did their utmost to find funds for the company after 7th March, 1930, and it was admitted that the only way in which the stamp duty could have been paid was by the directors paying it out of their own pocket. The Lord Chief Justice, in delivering judgment allowing the appeals, said that effect must be given to the words "knowingly a party to the default," and that a notice *ex post facto* did not make a director knowingly a party to a default already committed. Mr. Justice AVORY and Mr. Justice MACNAGHTEN also delivered judgment allowing the appeals. The effect of any other decision under the circumstances of this case would have been to make directors personally liable for stamp duty on documents that a company failed to deliver to the Registrar. Their personal liability under ss. 275 and 276 of the Companies Act for fraudulent trading and misfeasance is heavy enough for the protection of the public, and to make them liable for stamp duty in addition might easily act as a deterrent against directors taking office in the future.

The Crown's Protection.

THE CASE of *China Navigation Company Limited* v. *The Attorney-General*, before the Court of Appeal (reported in *The Times* of 12th April), raises constitutional points of some interest. As part, and perhaps the most important part, of their business, the plaintiffs were carriers both of goods and persons in Chinese waters. It is, of course, common knowledge that such waters are infested with pirates, who sometimes board a ship in the guise of peaceful passengers, and, after killing officers and crew and other passengers, take possession of ship and cargo and other valuables. For some time up to two years ago the Admiralty had freely provided armed guards for defence in these waters, but it was then determined that such guards should only be supplied at the expense of those who required them. The plaintiffs sought a declaration that the charge was illegal against them, and that they were entitled to protection, if the Crown deemed protection was required, without making it. The point was also raised that the Crown had no power to take money from a subject, otherwise than by authority of Parliament. The case originally came before ROWLATT, J., who, holding that the action was misconceived, dismissed it. The Court of Appeal has now affirmed his decision. Judgment was delivered by SCRUTTON, L.J., who laid down the proposition, which appears an obvious one, that, whatever may be the case within the jurisdiction, subjects who, for their own purposes, venture outside it, do so at their own risk. This has always been understood in the case of missionaries, though, according to certain novelists and playwrights, the slaughter of missionaries has on occasion afforded pretext for annexation. Even within the jurisdiction, the right to protection is merely a general one, as laid down in *Glasbrook* v. *Glamorgan County Council* [1925] A.C. 270, quoted by SCRUTTON, L.J., and those who require special favours must, if afforded them, pay accordingly. The Lord Justice also pointed out that there was no compulsion on the appellants to pay, for they could dispense with the service. The King's power to accept such payment had to be traced through s. 2 (2) of the Public Accounts and Charges Act, 1891, to its inclusion in a current Appropriation Act under "miscellaneous receipts." If His Majesty had no power to receive money or money's worth from a subject, whether by gift or bargain, he would in that respect be worse off than the meanest of them, and, in fact, bequests to the Exchequer in relief of taxes have been held to be good charitable gifts. The question of protection by the armed forces of the Crown in case of riot was thoroughly reviewed in the report of the Committee which inquired into the Featherstone riots, see 1893, Cd. 7234, and especially the evidence of Sir REDVERS BULLER, p. 121.

Criminal Law and Practice.

CONTEMPT OF COURT. COMMENTS PREJUDICIAL TO FAIR TRIAL OF PERSON ACCUSED OF CRIME.

THERE are various forms of contempt of court. Not the least important is that specified in the title of this article. Its treatment as itself an anti-social action to be punished has developed with the development of the newspaper. It could be avoided very largely if preliminary enquiries under the Indictable Offences Act were, in notorious cases, held, as they legally can be, and that with great advantage to the accused, behind closed doors. But things being as they are, it cannot be said that the High Court does not act energetically in securing an impartial hearing.

The general principle of the nature of contempt was well expressed by Lord ESHER, M.R., in *Re Johnson* (1887), 20 Q.B.D. 68: "It is not necessary to constitute a contempt of court that the contempt should be in court or that it should be a contempt of a judge sitting in court. All that is necessary is that it should be a contemptuous interference with judicial proceedings in which the judge is acting as a judicial officer"; and where the interference is the publication of comment on the subject matter of action, "The true question is not whether the publication has interfered with the administration of justice, but whether it tended so to interfere. If it tended to prejudice either the mind of the judge or any other person who would have to consider the case, then it is a publication that ought not to be allowed." *Re the Pall Mall Gazette: Jones* v. *Flower* (1894), 11 T.L.R. 122.

One form of prejudice to the accused is sternly repressed, the publication of matter damaging to his antecedent character. This is not only a contempt, but also the indictable misdemeanour of unlawfully attempting to pervert the course of justice: *R.* v. *Tibbits* [1902] 1 K.B. 377 (46 SOL. J. 51). In that case some of the older cases as to the publication of matter adversely affecting accused persons were reviewed. Lord KENYON'S observations in *R.* v. *Jolliffe* (1791), 4 T.R. 285; 100 Eq. R. 1022, are as vigorous in their statement of the law as they are in their mixing of metaphors. "Poisoning the minds of the jury at a time when they are called upon to decide" is to "stab the administration of justice in its most vital parts." What would the learned judge have said, we wonder, to an indictment for murder by stabbing with poison?

The publication of such prejudicial matter is an offence whether there has been a committal for trial or not: *R.* v. *Parke* [1903] 2 K.B. 432 (47 SOL. J. 692). The prosecution is entitled to protection as well as the accused: *R.* v. *Astor, ex parte Isaacs; R.* v. *Madge, ex parte Isaacs* (1913), 30 T.L.R. 10, for the vilification of his character tends to partiality of the jury in favour of the prisoner, and a trial with the scales weighted either way is not a fair one.

Once it is established that a fair trial has in fact been had the comments which would otherwise constitute a contempt cease to be of importance. Thus in *Ex parte Smith* (1869), 21 L.T. 294, where a paper published an article strongly reflecting upon a man as a murderer, while he was before the coroner on the charge of murder. When actually tried he was convicted of manslaughter, and the court would not interfere as the article could then exercise no prejudicial influence.

The powers of the High Court will always be exercised reasonably. "No doubt," said Lord RUSSELL, C.J., in *R.* v. *Payne* [1896] 1 Q.B. 577, "the power which the court possesses in such cases is a salutary power, and it ought to be exercised in cases where there is real contempt, but only where there are serious grounds for its exercise Every libel upon a person about to be tried is not necessarily a contempt of court; but the applicant must show that something has been published which either is clearly intended or at least is calculated, to prejudice a trial which is pending."

WRIGHT, J., in agreeing with the Lord Chief Justice, added that, "in order to justify an application to the court the publication complained of must be calculated really to interfere with a fair trial, and, if this is not the case, the question does not arise whether the publication is so objectionable in its terms as to call for the interference of the court. If the publication is found likely to interfere with a fair trial, a second question arises, whether, under the circumstances of the case, the jurisdiction which the court in that case possesses ought to be exercised, not so much for punishment as for preventing similar conduct in the future."

The nuisance of amateur criminal investigation by newspapers was dealt with severely in *R.* v. *Editor and Printers and Publishers of the Evening Standard* (1924), 40 T.L.R. 833, and other cases heard with it, and it was made clear that this kind of investigation with publication of its results was contempt when an accused person is under arrest. The bold claim was made that it was part of the duty of a newspaper to "elucidate the facts" of a criminal case, a claim very roughly handled by the High Court.

In *R.* v. *Editor of the "Daily Mail,"* and *R.* v. *Editor of the "Daily Mirror* (1927), 43 T.L.R. 254, the danger of publishing the portrait of an accused person when a question of identity might arise was made manifest. As it was the first time that proceedings had been taken in respect of the publication of a photograph no penalty was imposed, but the duty of those responsible for the publication of photographs of accused persons to exercise proper care was made very clear.

The latest case on the form of contempt with which we are dealing is *R.* v. *Editor, Printers and Publishers of "The News of the World"* (1932), 48 T.L.R. 234. The application was to commit the defendants for publishing what purported to be a statement of the defence which would be put forward. In fact, the accused had made a statement to the police similar to that reported as the proposed defence, and the court, while safeguarding itself by saying that in some circumstances, and in some cases, the publication of what was said to be the defence of an accused person might amount to contempt of court, dismissed the application as unfounded.

Report of the Committee on Ministers' Powers.

A CRITICAL SURVEY.

[CONTRIBUTED.]

ON the 30th October, 1929, the Lord Chancellor appointed a committee to consider the powers exercised by or under the direction of (or by persons or bodies appointed specially by) Ministers of the Crown by way of (*a*) delegated legislation, and (*b*) judicial or quasi-judicial decision, and to report what safeguards are desirable or necessary to secure the constitutional principles of the Sovereignty of Parliament and the supremacy of the law. Two weeks ago the report of the committee was made public.

After a searching inquiry and prolonged deliberation, the committee has arrived at the conclusion that the practice of delegating law-making powers to Ministers and departments is not only justifiable in certain cases but is, in fact, inevitable. "The truth is," states the report, "that if Parliament were not willing to delegate law-making power, Parliament would be unable to pass the kind and quantity of legislation which modern public opinion requires." It may be observed that during recent years numerous Acts of Parliament have been passed increasing the powers of local authorities and Government departments, imposing further obligations and burdens on property owners and further restricting the liberty of the subject. This is the type of legislation in which law-making powers are most frequently delegated. Whether the majority of the public really demands legislation of this character may

be questioned. It is believed that, at the moment, public opinion would welcome a respite from legislation, and the Minister of Health has already indicated a period of legislative inactivity on the part of his department after the Town and Country Planning Bill has become law.

While recognising the inevitability of delegated legislation in certain cases, the committee is satisfied that the practice is one which might be abused. Certain safeguards are therefore proposed and these form an important part of the report. The principal of these safeguards are :—

(1) The precise limits of the law-making power shall always be expressly defined in clear language by the statute which confers the power ;

(2) Power to modify Acts of Parliament should not be conferred in any but the most exceptional cases ;

(3) Similarly, only in very exceptional cases should the exercise of the delegated power be placed beyond the control of the courts ; in other words, the power of the courts to compel Ministers to keep within their delegated powers should be maintained ;

(4) The Rules Publication Act, 1893, should be amended and made to apply, save in exceptional cases ;

(5) Particular interests affected by the exercise of the law-making power should be consulted ;

(6) An explanatory memorandum should accompany every Bill which proposes to confer law-making powers, drawing attention to the power, explaining why it is needed and how it would be exercised if it were conferred, and stating what safeguards there would be against abuse ;

(7) The setting up of a Standing Committee of both Houses of Parliament to report on every Bill containing a proposal to confer law-making power on a Minister, and on every regulation, rule, order, etc., made in the exercise of delegated legislative powers and laid before the House in pursuance of statutory requirements.

It may be wondered whether Parliament would not find it simpler and more effective to provide that, in every case where a law-making power is proposed to be exercised by the Minister, an interested person or association may, in the first instance, object to the Minister, and, if dissatisfied with the Minister's determination of the objection, petition Parliament as in the case of a Bill for a local Act or a Provisional Order Confirmation Bill. Only orders made by the Minister which were seriously objected to would come before Parliament. Surely this plan should be tried before any other ; until it has been tried and found impracticable, it is contended that the need for complete delegation has not been established. Under the earlier Housing Acts the Minister's order in regard to an improvement scheme was provisional only if objected to and required confirmation by Parliament. The law was subsequently altered, making the Minister's order final in every case, not because Parliamentary business thereby became congested by reason of a large number of persons objecting to Parliament, but because no one took advantage of the safeguard, and it was consequently deemed to be unnecessary. There have, however, been instances, in recent years, where property owners would have liked to take a test case to Parliament, but, owing to the alteration in the law were unable so to do. If the committee had reported that safeguards were unnecessary the case would have been different, but having reported in favour of safeguards, it is suggested that the precedent contained in the earlier Housing Acts should be adopted.

The second part of the report deals with the exercise of judicial and quasi-judicial functions by Ministers of the Crown. "A judicial decision," the report states, "pre-supposes an existing dispute between two or more parties, and involves four requisites : (1) the presentation (not necessarily orally) of their case by the parties to the dispute ; (2) if the dispute between them is a question of fact, the ascertainment of the facts by means of evidence adduced by the parties to the dispute and often with the assistance of argument by or on behalf of the parties on the evidence ; (3) if the dispute between them is a question of law, the submission of legal argument by the parties ; and (4) a decision which disposes of the whole matter by a finding upon the facts in dispute and an application of the law of the land to the facts so found, including, where required, a ruling upon disputed questions of law. A quasi-judicial decision equally pre-supposes an existing dispute between two or more parties, and involves (1) and (2), but does not necessarily involve (3), and never involves (4). The place of (4) is in fact, taken by administrative action, the character of which is determined by the Minister's free choice." Legal practitioners may from time to time find this differentiation useful in the preparation of a case, though they will not necessarily accept the definitions as complete or correct. They suggest, however, an interesting question for candidates for honours at legal examinations.

The committee takes the view that while judicial decisions should be given only by a court of law, a quasi-judicial decision ultimately turns upon administrative policy for which an executive Minister should nominally be responsible. This is a point which has doubtless given the committee a great deal of difficulty. It was urged by some witnesses before the committee that even quasi-judicial decisions should be made by a court of law or some entirely independent tribunal. But even witnesses who gave the evidence were conscious of the difficulties in the way of adopting their suggestion. The committee has, it is thought, come to the right conclusion, and has met criticisms of the exercise of quasi-judicial functions by Ministers by recommending certain safeguards.

After discussing "Natural Justice," the committee makes this remark : "But although 'Natural Justice' does not fall within those definite and well-recognised rules of law which English courts of law enforce, we think it is beyond doubt that there are certain canons of judicial conduct to which tribunals and persons who have to give judicial or quasi-judicial decisions ought to conform." This discussion leads to the question of the reports of government inspectors holding local inquiries as a preliminary to the giving of a quasi-judicial decision. At present persons affected and the public generally are not, as a general rule, given access to these reports ; in other words, the report is a secret or confidential document, the contents of which are only known to the department. This secrecy was much criticised by certain witnesses before the committee, and it is satisfactory to note that the committee has considered the question very fully and carefully, and has come to the conclusion that publication of such reports is desirable. This does not mean that the expense of preparing a long report should be incurred in every case ; but that the report of the inspector should always be made available to the parties concerned and to the press, and that, in important cases, it should be officially published by the department responsible for the inquiry.

Finally, reference must be made to that part of the report which deals with appeals on points of law. The conclusions may be summarised as follows : (1) There should be a right of appeal to a court of law from a judicial decision ; (2) there should be no appeal on a question of fact ; (3) the decision on a point of law by a single judge of the High Court should be final unless leave to appeal is given on a point of unusual importance.

It is a question for very serious consideration whether it is desirable to restrict the right of access to the Court of Appeal and House of Lords in cases where the party desirous of appealing can give security for costs. Sooner or later, if the practice becomes more general than it is at present, the whole question of the necessity for a Court of Appeal or for the appellate jurisdiction of the House of Lords may have to be reviewed. At present it is difficult to see why the right of appeal should be more restricted when the dispute is between an individual and, say, a local authority acting in accordance with regulations made by a Minister, than in other cases. Moreover such

cases are generally of more importance to the individual than is an ordinary dispute between citizen and citizen. Yet the court might very well not consider it of sufficient general importance to justify the giving of leave to appeal.

It will be recognised that this report is one of the greatest interest and importance. It is respectfully submitted that the committee has accomplished a difficult task concisely, lucidly and successfully. The report is certainly worthy of more detailed study by all who in any way are interested in those branches of the law which are affected by the recent increase in Ministerial powers.

Rent Restriction Acts.

BANKRUPTCY AND INTESTACY.

THE recent case of *Sutton* v. *Dorf* (see p. 359 *infra*) before a Divisional Court, on the 3rd May, has carried the decisions as to the unassignability of a statutory tenancy a step further by deciding that the tenant's right is not property within the Bankruptcy Act, so as to vest in the trustee, and that in view of more recent cases *Parkinson* v. *Noel* [1923] 1 K.B. 117, must be considered to have been wrongly decided. Possession cannot therefore be recovered from a bankrupt statutory tenant even though his trustee has purported to disclaim the tenancy, the disclaimer being ineffective since the statutory tenancy never vested in him. It will be remembered that in *Lovibond* v. *Vincent* [1929] 1 K.B. 687, it was decided that a statutory tenancy cannot be transmitted by will. In this connection it may be observed that it has never been definitely decided what is the meaning of "intestate" in s. 12 (1) (*g*) of the Act of 1920, which includes in the definition of a tenant dying intestate the widow or other member of the tenant's family living with him.

In the Statute of Distributions of Car. 2, the word "intestate" includes a person dying partially intestate (*Twisden* v. *Twisden*, 9 Ves. 425); *contra* in the Intestates Estate Act, 1890 (giving the widow a provision of £500 where there was no issue). So in the Scotch Act of 1855 "intestate" is defined as including any person who has left undisposed of by will the whole or any portion of his moveable estate. In Tristram and Cootes "Probate Practice" the expression "wholly intestate" is used to prevent any misapprehension as to what is meant.

When the Act of 1920 was passed the distinction between the position of a contractual tenant and a statutory tenant which has been emphasized in the more recent cases had not been appreciated, and one may quite well assume that it was not present to the mind of the draftsman, when he drafted the definition of "tenant" in s. 12 (1) (*g*). It is permissible to assume that he was of opinion that a statutory as well as a contractual tenant could pass his interest in the property by will. Indeed, as late as October, 1922, Mr. Justice GREER (as he then was), in his considered judgment in *Parkinson* v. *Noel*, directly decided that statutory tenancy was a species of property which passed to a trustee in bankruptcy and he referred to the case of *Collis* v. *Flower* [1921] 1 K.B. 409 (which dealt with the position of an executor), without noting the distinction that it was a case of the devolution of a contractual and not of a statutory tenancy.

If our assumption is correct, it seems highly probable that the draftsman, when he was dealing with the case of an intestate, had in mind intestacy *qua* the particular tenancy, i.e., the case of a tenant, contractual or statutory, who had not left a will disposing either specifically or by universal or residuary gift of his interest in the dwelling-house. Specific bequests in such cases would be extremely rare.

A man who leaves a will which would pass a bequeathable tenancy can hardly be said to be intestate *qua* a statutory tenancy, which by law cannot pass under his will and, consequently, cannot vest in his administrators. Supposing, however, a statutory tenant makes a will appointing executors and leaving all his property to his wife and she pre-deceases him. Presumably a daughter who had been living with the deceased could claim to retain the house as on an intestacy. Take, however, the case of a man bequeathing to his wife his furniture and money and making no other disposition, but dying possessed of other personal property. Does he die "intestate" within the meaning of the Act by reason of the fact that he was not wholly intestate?

There was at one time another meaning given to the word "intestate," though it may be doubtful if it would be adopted now. The following is taken from an old law dictionary: "There are two kinds of intestates; one who makes no will; another who makes a will and nominates executors, but they refuse, in which case he dies intestate and the ordinary commits administration." The authority would appear to be *Hensloe's Case*, 9 Rep., at p. 40*a*.

The word "testament" was originally applied to dispositions on death of personal estate only. The word "will" was applied to dispositions on death of freehold land, when this class of property become devisable. Hence the modern expression "last will and testament," the document as a will dealing with realty and as a testament with personalty. A person who disposes, by will, of realty only and leaves his personalty undisposed of, would properly be said to die intestate. It may be remembered, moreover, that until after the passing of the Act now called the Executors Act, 1830, the executors took the undisposed of residue of the testator's personal estate, unless there was an obvious intention that they should not do so. Consequently there would, under the old law, be but comparatively few partial intestacies. Hence, probably, the idea of including in the definition of intestate a man who had disposed of part only of his personal estate would not readily occur to the older lawyers.

Enough has been said, however, to support the suggestion that the question of the interpretation of the word "intestate" in any particular statute, in which it is not defined, is one which may be said to lie in the lap of the Law Lords.

Company Law and Practice.

CXXX.

REDUCTION OF CAPITAL.

BEFORE coming to my topic for this week, I would crave the indulgence of my readers to enable me to add a postscript to my article No. CXXVIII (76 SOL. J. 318), where I dealt with the concurrent jurisdiction of the Chancery Division and the Companies Court in certain applications under the Companies Act. This postscript may consist solely of certain observations by YOUNGER, J. (as he then was) in the case of *Re Tarapaca and Tocopilla Nitrate Co. Ltd.* (1917), W.N. 356. That was a case where a petition for the reduction of the capital of a company had been presented, the reduction to be effected by paying off paid-up share capital in excess of the wants of the company. The petition did not allege that such capital was in excess of the wants of the company; and it was held that it should so allege. "He (his lordship) thought it was desirable in these cases that there should be uniformity of practice. He was informed by the Registrar (Mr. BLOXAM) that a statement in the petition to that effect was always required when such a petition was presented to the court to which company winding-up matters were assigned, and he knew that NEVILLE, J., agreed with him in thinking that there ought, so far as possible, to be complete uniformity in all matters relating to petitions which under the existing practice might be presented indifferently either to the court in winding-up or to the ordinary courts of the Chancery Division." That passage shows clearly the possibility of non-conformity, and emphasises the desirability of uniformity.

The possibility can only be absolutely eliminated by giving the jurisdiction to one branch alone; a course which seems both logical and proper.

The reduction of capital of companies is an operation covering a vast field, and I do not intend even to attempt to cover it at this stage; but a point has recently been suggested to me which does frequently arise in practice. Section 55 of the Companies Act, 1929, empowers a company, if authorised by its articles, to reduce its share capital in any way, subject to confirmation by the court, and it is perhaps as well to put some slight emphasis on the words "in any way," for it is quite clear that the section as it now stands does authorise every conceivable method of reduction. In fact, the three types of reduction particularly referred to in the section are those which are most commonly met with, but that does not affect the general proposition set out above. The point with which I wish to deal to-day is concerned with the priorities of different classes of shares.

When all the shares constituting the share capital of the company rank equally in every respect, no questions arise as to the method of reduction as between the shareholders, for the reduction must be equal as between the shareholders: thus, if capital lost or unrepresented by available assets is being cancelled, there must be an all-round cancellation, and, similarly, if capital in excess of the wants of the company is being returned, the shareholders are entitled to participate in the distribution rateably *inter se*. This doctrine may give way in a particular case, as where the consent of each shareholder who was adversely affected was obtained; but it is to be observed that the usual modification of rights clause in the articles cannot be of any assistance in such a case, because the capital is not divided into shares of different classes. KAY, J. (as he then was), in the case of *Re Union Plate Glass Co.*, 42 Ch.D. 513, says that he cannot find the smallest intimation that the Act (i.e., the Act of 1867) gives a company power to reduce certain of its shares without reducing the others—referring, of course, to the straightforward case where no share has a priority over any other—and though, before the date of that decision (1889) there seems to have been some doubt on the point, that decision removed any doubt. Looked at purely from the point of view of natural justice, and without regard to the Statute, it is clear that a reduction which operated more hardly on, or more advantageously in favour of, certain ones out of the whole body of shareholders, ought not to be allowed, where the component parts of such body originally had equal rights.

What is the position where some of the shares of the company whose capital is proposed to be reduced have a priority as to capital? *Primâ facie* that priority must be observed; so that where there is a company having issued preference and ordinary shares, the preference having a priority as to capital over the ordinary, the ordinary shares must be written down to their full amount before anything is taken off the preference capital, if it is a case where capital lost or unrepresented by available assets is being cancelled; while, if the company is in the happy position of returning capital in excess of its wants, the preference shares must receive their full amount before the ordinary shares can participate. This reduction is purely the domestic affair of the company, and the *primâ facie* method of reducing in accordance with the priorities of the various classes of shares need not be adhered to, if the component members of the various classes agree, or are bound, by means of a resolution passed at a class meeting or otherwise, to accept a reduction on a different footing. This is clear from the decisions, and I think I need only mention the case of *Re Welsbach Incandescent Gas Light Co.* [1904] 1 Ch. 87, as sufficiently supporting this proposition, without wearying my readers by recounting the circumstances of that case. Of course, there are still many companies the articles of which do not contain the usual, and convenient, modification of rights clause, and, in the case of such a company it may be desirable, if a reduction otherwise than in accordance with the existing rights of the shareholders is contemplated, to attempt to come to some arrangement with the classes, and to get that arrangement sanctioned by the court and made binding on the members of the classes by taking advantage of the provisions of s. 153 of the Companies Act, 1929.

Though it is not perhaps quite so common as it used to be, we do sometimes find companies some part of the shares in which are preferential as to dividend but not as to capital; in such a case the reduction must fall equally on both classes, and this is, generally speaking, so, notwithstanding the fact that a rateable reduction in such a case does in fact worsen the position of the preference shareholders, by reducing the amount of dividend which they will receive in the future; though they may receive dividend at the same rate, they will receive it on a less amount, and consequently the total will be smaller. This was decided in *Re Mackenzie & Co. Ltd.* [1916] 2 Ch. 450, a case which will repay a few moments' attention. The preference shares were preferential as to dividend only, and an all-round reduction was contemplated. It was argued that the reduction decreased the fixed dividend of the preference shareholders, and that it was part of the bargain with the preference shareholders contained in the memorandum and articles that the amount of their dividend should be fixed, notwithstanding a reduction from loss of capital. It may be noted at this stage that the memorandum provided that the preference shares should be 4 per cent. preference shares, carrying the rights and privileges specified in the articles; and that the articles said that these shares should be called 4 per cent. cumulative preference shares, and that the holders should be entitled to dividends at the rate of 4 per cent. per annum on the nominal amount of the capital from time to time paid up or credited as paid up. During the course of the argument ASTBURY, J., suggested that the right to dividend at the particular rate on the capital from time to time paid up or credited as paid up, conferred by the articles, did not amount to an absolute right to a fixed amount of dividend per share, but was nothing more than a right to a dividend at a particular rate on the nominal amount of the shares, which nominal amount was liable to be reduced if the company exercised its powers of reducing capital; and that view the learned judge upheld in his judgment.

In reading this case, one may remember, for the report shows the importance of it, that every case of this kind must depend on what is the true construction of the wording of the articles, and while certain general principles should be borne in mind, it is probably not wise to make too broad generalisations in connexion with the subject. For those who require a short summary of the case law which bears on the subject of this article, I would recommend a reading of the judgment of ASTBURY, J., in this case, particularly at p. 457, where the relevant authorities are collated.

(*To be continued.*)

A Conveyancer's Diary.

Advertisements for Claimants by Trustees or Personal Representatives.

I have been told of a case recently before the court which raises a question of considerable importance: How far are trustees safe in relying upon s. 27 of the T.A., 1925, to protect them against claims by creditors or beneficiaries? Sub-section (1) of the section reads as follows:—

"With a view to the conveyance to or distribution among the persons entitled to any real or personal property, the trustees of a settlement or of a disposition on trust for sale or personal representatives, may give notice by advertisement in the 'Gazette' and in a . . .

newspaper circulating in the district in which the land is situated and such other like notices including notices elsewhere than in England and Wales as would, in any special case, have been directed by a court of competent jurisdiction in an action for administration, of their intention to make such conveyance or distribution as aforesaid and requiring any person interested to send to the trustees or personal representatives within the time not being less than two months, fixed in the notice or, where more than one notice is given, in the last of the notices, particulars of his claim in respect of the property or any part thereof to which the notice relates."

Sub-section (2) provides, in effect, that after expiration of the notice the trustees or personal representatives may proceed to distribute the estate, having regard only to the claims of which they have notice, but so that the section is not to prejudice the right of any person to follow the property nor to free the trustees or personal representatives from the obligation to make proper searches before proceeding to distribute.

The case which has particularly directed my attention to this section was one where a person died, intestate, in a mental hospital. A grant of administration was made to the Treasury Solicitor on behalf of the Crown, no other person having applied for a grant after the usual advertisements had been issued. Later a woman made and established a claim to be a cousin of the intestate and a grant was accordingly made to her, the grant to the Crown being recalled.

The administratrix inserted advertisements in the "Gazette" and (I think) in newspapers circulating in the district where the intestate died or where his property was situated, and proceeded to distribute the estate amongst those who made a claim, all of whom were of equal degree of relationship to the deceased as herself.

The advertisements appear to have been more or less in the form in general use in simple cases.

Subsequently a sister of the intestate appeared and brought an action against the administratrix claiming the whole estate.

The administratrix paid the share that she had retained for herself and relied upon s. 27 to protect her in respect of the remainder of the estate which she had distributed to the other claimants.

It appeared that the deceased had lived in various places and been engaged in a diversity of occupations at different times, but the advertisements inserted by the administratrix did not refer to his different places of abode or to the different occupations which he had followed, and it was contended that such advertisements fell short of what the court would have directed on an inquiry in an administration action, and that the administratrix was, therefore, liable to account for the whole estate. The action was settled, so we have not the advantage of any decision.

I am not sure that the facts as I have stated them are quite those in the case which I have in mind, but whether that be so or not they provide an illustration of the sort of thing that may happen when trustees or personal representatives rely upon s. 27, and I think are a warning against doing so.

It seems to me that the section is a snare for the unwary.

In order that a notice issued under it is to be effective, it must be such "as would in any special case have been directed by a court of competent jurisdiction in an action for administration."

The trustees or personal representatives must, therefore, take upon themselves the responsibility of deciding (1) whether the case is a "special case," and (2) if so, what notices in that particular "special case" would the court have directed to be made.

I do not know that it has ever been decided or even discussed in any reported case what a "special case" is, and I should be at a loss to express any opinion whether in any given state of facts a case was to be so regarded.

For example, in the matter to which I have referred, were the facts (*a*) that the deceased died in an asylum and intestate; (*b*) that the usual advertisements issued by the Treasury Solicitor brought no response; (*c*) that the intestate had lived in various places and pursued diverse occupations, sufficient to make the case "special"? Would any one of these facts, or if not, any two of them, have constituted it a "special case"? For my part, I really do not know.

Assuming, however, that there are facts which the trustees or personal representatives *consider* to be such as make the case "special," there is the further still more difficult problem to be faced, namely, what notices would the court direct in the circumstances obtaining in that particular instance?

How is it possible for anyone to answer that question?

We all know what particulars regarding the deceased or his estate have been directed to be given in notices in certain cases in which we have been concerned. We know, too, that such particulars are required as will be likely to attract the attention of those having a claim. But could any of us say beforehand just what the court would regard as satisfactory? I do not think so.

The only way to find that out is to obtain the directions of the court upon an enquiry in an administration action.

I believe that in some cases, even where an administration action has been commenced, the parties have been encouraged to rely on notices under s. 27 rather than go to the expense of an enquiry, which appears to me to be a singularly ill-advised course to take.

If I am right in my view, s. 27 is really a dangerous pitfall, for, although in many cases notices issued in reliance upon it will be a protection, it is not possible to say where that will, and where it will not, be so. There can be no certainty about it—and certainty of protection is, of course, the very thing which trustees and personal representatives are led to expect from the section.

A Point on Undivided Shares.

Mr. Ernest I. Watson writes to put a point which he suggests might be dealt with by the learned writer of "Decisions and Notes on L.P.A., 1925, 1st Sched., Pt. IV" as a supplement to the articles under that head which appeared in this journal for 9th, 16th and 23rd April.

No doubt Mr. Withers will refer to the matter in any supplementary notes. In the meantime I have spoken to him on the subject and he agrees with the view expressed below.

Mr. Watson's point is as follows:—

"A and B, under pre-1925 settlement, had vested in them the legal estate in the entirety of land in trust for persons in undivided shares. Both trustees died before 1926, the survivor intestate. Administration to the survivor's estate was taken out after 1925. Did the legal estate pass to the Public Trustee, or did it remain in the President of the Probate Division and pass to the administratrix of the survivor of A and B on grant of administration?"

I do not think that there can be any doubt that cl. (4) of para. 1 of Pt. IV applies, and that the legal estate vested in the Public Trustee. That having happened, there is no provision for a divesting upon a grant of administration being made to the last surviving trustee and the property remains in the Public Trustee until new trustees are appointed in his place.

Mr. Watson also repeats a question an answer to which was given some time ago in "Points in Practice."

I have no space to-day to deal with the matters raised in that question, but I may say that I agree with the answer given.

A UNIVERSAL APPEAL

To Lawyers: For a Postcard or a Guinea for a Model Form of Bequest to the Hospital for Epilepsy and Paralysis, Maida Vale, W.9.

Landlord and Tenant Notebook.

Damages for Failure to Repair Controlled Premises.

The position of a landlord who is under a duty to repair premises by virtue of a tenancy which he is anxious but unable to determine is an invidious one. Two cases, which at first sight appear to be difficult to reconcile, illustrate the rights of the tenant.

In *Hewitt* v. *Rowlands* [1924] 93 L.J. K.B. 1080, damages were claimed for breach of an express agreement to keep the premises, a cottage, dry, and the outside in repair. This was one of the terms of an agreement for a five years' lease made and commencing in 1876; at the expiration of the term, the plaintiff had held over as a yearly tenant. In 1920 the defendant bought the reversion; in 1921 he gave the tenant notice to quit, on the expiration of which she remained in possession as a statutory tenant. The two changes of status did not, of course, affect her rights under the agreement to repair, and soon after the notice to quit had expired she called upon the defendant to remedy the dampness of the cottage. The walls, which had no dampcourses, had become saturated with moisture, and the plaintiff's furniture was suffering. The defendant found that it would cost some £600 to repair the premises, and refused to do anything. Proceedings were then brought in the High Court, where judgment was given for the defendant on the ground that the cottage was beyond repair. The Court of Appeal reversed this decision and ordered damages to be assessed by the District Registrar, who then awarded the plaintiff £30. Dissatisfied, she appealed to the Divisional Court, who said that the cost of repairs was not necessarily the measure, and that the extent of the tenant's interest should be regarded; thereupon the defendant appealed, and thus the case came to the Court of Appeal again, who sent to the District Registrar for information as to how he had arrived at the figure of £30. His reply showed that he had assessed the damage to the furniture at £25 and awarded £5 as "general damages." The Court of Appeal then remitted the case to the District Registrar with the direction that the diminution in the value of the tenant's interest must be assessed, as for a continuing breach, from the date of notice of disrepair to the date of assessment; sympathy was expressed with the defendant, but it was made quite clear that in spite of his helplessness as regards determining the relationship, the plaintiff's position was exactly the same after the notice to quit expired as it had been before.

The other decision is that given in *John Waterer, Sons and Crisp Ltd.* v. *Huggins* (1931), 47 T.L.R. 305. The facts were that a cottage within Rent Act limits had been let, on a weekly tenancy, to the plaintiff's husband in 1917. She became the tenant on his death in 1925. The cottage was also within the scope of the Housing Act, 1925, so that the tenant was in the position of a covenantee under a covenant to keep the premises in all respects fit for human habitation. (See *Ryall* v. *Kidwell & Son* [1914] 3 K.B. 135, C.A.) In 1926, after the local authority had ordered repairs to be done, the landlords made an unsuccessful attempt to obtain a closing order. They then complied with the notice. In 1929 they increased the rent to the statutory maximum; the tenant then complained that the roof was out of repair, and obtained an order suspending the 25 per cent. increase. In 1930 a closing order was made; the plaintiffs issued a summons for possession, the defendant did not resist the claim, but counter-claimed for the loss of her statutory tenancy. It appears that she claimed under this head damages for having to move to more expensive premises and for the cost of so removing, and gave no evidence of past suffering. The county court judge awarded her £25, and made a four weeks' possession order. The defendants appealed against the award of damages. The Divisional Court (Hanworth, M.R., and Romer, L.J.) applied the principle that in considering damages attention must be paid to what was in the contemplation of the parties when the contract was made; and it was not then contemplated that the security of tenure afforded by the Increase of Rent Act would continue as long as it had. The Act could therefore be ignored, and as the tenant would have incurred removal expenses if the tenancy had ended in a normal way, she could claim nothing.

Thus, in one case the landlord of controlled premises was ordered to pay damages for breach of an obligation to repair, and in another he successfully resisted the demand. But the two authorities are not really irreconcilable. In *Hewitt* v. *Rowlands* the actual issue was the measure, rather than the right; it is true that, but for the artificial security of tenure the plaintiff might never have been able to bring her action, but that security did not give rise to the right any more than it affected the measure. While in *John Waterer, Sons & Crisp Ltd.* v. *Huggins* an attempt was made to found an action on a Statute designed to provide defence, and if the plaintiff could have and had complained of loss such as discomfort and depreciation of furniture, resulting from the disrepair, rather than of loss due to the housing shortage, she would have been entitled to damages.

Our County Court Letter.

MOTOR CARS LEFT FOR REPAIRS.

A CASE recently heard at Southwark County Court (*Hollywood* v. *Smith's Garage*) is of interest as indicating the liability of garage proprietors who undertake to repair cars. The plaintiff was owner of a motor cycle combination which required some trifling repairs which, according to his case, could have been executed in the garage without any necessity for testing the cycle afterwards on the road. It was, however, contended by the defendants who undertook to do the repairs that they were entitled afterwards to take the motor cycle out for a trial run—such a test being, in their view, necessary—and that in doing so they were absolved from liability for any accident that might occur. In this case, in fact, an accident did occur which resulted in a general smash-up. The defence to the subsequent action for damages was that in the garage a notice was exhibited to the effect that cars taken out for trial after repairs were so taken at owner's sole risk. His Honour Judge Moore held, however, that, in the absence of proof that the plaintiff's attention was called to the alleged notice and that he therefore acquiesced in it, he was entitled to recover, and judgment was accordingly given for the full amount claimed, with costs.

THE SCOPE OF THE DOCTRINE OF DURESS.

A QUESTION of undue influence as between host and guest was considered in the recent case of *Salisbury and Another* v. *Roberts*, at Colwyn Bay County Court, in which the claim was for £100, being the amount of a stopped cheque. The case for the plaintiffs (husband and wife) was that (*a*) the defendant had signed a contract (in her maiden name of Lonsdale) for the purchase of a house at £950, and had given the cheque as a deposit, (*b*) she subsequently eloped with the plaintiffs' chauffeur, whom she subsequently married, and was persuaded by him to spend the £100 on the honeymoon. The defendant's case was that (1) being an old friend of the plaintiffs she had been invited to their house with the ulterior motive of obtaining her money, as (2) the male plaintiff was desirous of paying his creditors 5s. in the £ on liabilities of £334, but (3) she later obtained independent advice from the Assistant Public Trustees and stopped payment of the cheque. In a reserved judgment (delivered at Llandudno County Court) His Honour Judge Sir Artemus Jones, K.C., observed that the border line between legitimate persuasion and undue influence was not clearly defined, but the evidence

was that (*a*) a relationship existed between host (and hostess) and guest, which created a duty upon the plaintiffs to abstain from pressing the defendant to make the contract without any opportunity of obtaining competent advice, (*b*) her husband was not responsible for the stopping of the cheque. Judgment was therefore given for the defendant, with costs. It is to be noted that the common-law doctrine of duress is more limited in its scope than the equitable doctrine of undue influence. The latter, although usually applied in cases of fiduciary relationship, is not confined thereto, as appears from *Smith* v. *Kay* (1859), 7 H.L.C., at p. 779.

WHEN GAME MAY BE PROTECTED.

In a case which was before His Honour Judge Eustace Hills at Kendal recently, a claim was made against a gamekeeper and his employer for damages for the loss of a pedigree dog which got into a pheasant plantation and was said to have killed one pheasant and injured another before he was shot. Here the judge took the view that the pheasants could fly and gave judgment for £10, the value of the dog, and costs. It was contended for the defence in this case that the pheasants were very tame; but the judge was of opinion that the birds' lives were not imperilled since they could fly. It would appear that a distinction was drawn between a full-grown pheasant and a young bird being reared under domesticated conditions. It has always been held that pheasant chickens, whilst being reared, are domestic creatures, but that they become wild when they have taken to the woods despite the fact that they return to their old home to be fed. The law, therefore, is clear. A dog cannot be shot for chasing wild game; but he can be shot if that is necessary to save the life of a domestic creature.

Obituary.

Mr. A. E. GILL.

Mr. Arthur Edmund Gill, who had been a Metropolitan Police Magistrate for twenty-four years, died at his home at Ockley, Surrey, on Wednesday, the 18th May, at the age of sixty-eight. Mr. Gill, who was a younger brother of the late Charles Gill, K.C., was educated at King's College School, London, and Magdalene College, Cambridge. He was called to the Bar by Gray's Inn in 1886, was made a Bencher in 1906, and served as Treasurer in 1912. In 1894 he was made Counsel to the Treasury at the North London and Middlesex Sessions, in 1898 Counsel to the Post Office at the Central Criminal Court, and in 1899 he succeeded his brother as Counsel to the London Bankers' Protection Association. He was Junior Counsel to the Treasury at the Central Criminal Court from 1901 until he became a magistrate in 1908. In 1905 he had been appointed Recorder of Faversham.

Mr. H. J. DAVIS.

Alderman Herbert John Davis, solicitor, head of the firm of Messrs. Herbert J. Davis, Berthen & Munro, solicitors, of Liverpool, died in a nursing home on Friday, the 13th May, at the age of sixty-six. Born in Liverpool, Mr. Davis was educated at Liverpool Institute, Brussels and Hanover. He was admitted a solicitor in 1888. In 1929 he was elected an alderman after eleven years' service on the Liverpool County Council. He was a member of the Public Assistance Committee, Parliamentary Committee (as Chairman), Port Sanitary Committee and Hospitals Committee. He was Chairman of Liverpool Liberal Jewish Congregation and Chairman of Liverpool and District Heart Hospital. Mr. Davis was Solicitor to the French, Portuguese, Swiss, and Liberian Consulates.

Mr. R. WILLIAMS.

Mr. Robert Williams, solicitor, of Birmingham, died recently at the General Hospital, Birmingham, after a short illness, at the age of fifty-two. Mr. Williams, who was admitted a solicitor in 1907, came to Birmingham from North Wales about twenty years ago. He was for a time in partnership with Mr. C. E. Whitehouse, solicitor, of Temple Row, but since 1929 had been in practice as Messrs. Robert Williams and Co. He was a keen motorist, and a member of the Birmingham Wheel Club.

Mr. J. ROBINSON.

Mr. John Robinson, solicitor, a member of the firm of Messrs. John & William James Robinson, solicitors, of Sunderland, died at his home there on Monday, the 9th May, at the age of seventy-nine, after having been in poor health for some considerable time. Educated at Chalmers School, Sunderland, and Croft House School, Brampton, Mr. Robinson was admitted a solicitor in 1873, and entered his father's firm, which, after his father's death, he carried on with his brother. He was President of Sunderland Law Students' Society and a past President of Sunderland Law Society. He was an old member of Sunderland Constitutional Club, and also a life member of Sunderland Cricket and Football Clubs.

Reviews.

Law and Organisation of the British Civil Service. By N. E. Mustoe, M.A., LL.B., of Gray's Inn, Barrister-at-Law, and of the Solicitor's Department of Inland Revenue. 1932. Demy 8vo. pp. xix and (with Index) 199. London: Sir Isaac Pitman & Sons, Ltd. 7s. 6d. net.

This is an interesting volume dealing with a subject about which the average citizen knows very little indeed. It provides a comprehensive account of the general organisation of the British Civil Service, and deals with the legal position relating to the terms of service, promotion and rights and liabilities of civil servants generally. It may be said at once that the book fills a place in the lawyer's library that has so far been empty. Indeed, one has only to glance through the table of statutes and the index to the case law cited in the volume to see how much there is to be said on this subject. The historical introduction with which the volume opens gives a survey of the subject which is of general interest, and the eleven chapters into which the author divides his material provide a very useful volume not only for lawyers who are concerned to find the source of the law on the subject but also to civil servants themselves and those responsible for their supervision and administration.

Books Received.

The Powers and Duties of Executors, Administrators and Trustees. By C. A. Sales, LL.B., F.S.A.A. 1932. Foolscap 8vo. pp. (with Index) 112. London: A. W. Berkeley, Ltd. 2s. 6d. net.

Transactions of the Medico-Legal Society for the Session 1930-1931. Edited by Gerald M. Slot, M.D., M.R.C.P., D.P.H., and Everard Dickson, of Gray's Inn and the Midland Circuit, Barrister-at-Law. Vol. XXV. 1932. Demy 8vo. pp. xxv and 191. Cambridge: W. Heffer & Sons, Ltd. 12s. 6d. net.

Committee on Ministers' Powers Report. 1932. Royal 8vo. pp. vi and 138. London: His Majesty's Stationery Office. 2s. 6d. net.

[All books acknowledged or reviewed can be obtained through The Solicitors' Law Stationery Society, Limited, London and Liverpool.]

POINTS IN PRACTICE

Questions from Solicitors who are Registered Annual Subscribers only are answered, and without charge, on the understanding that neither the Proprietors nor the Editor, nor any member of the Staff, is responsible for the correctness of the replies given or for any steps taken in consequence thereof. All questions must be typewritten (in duplicate), addressed to the Editorial Department, 29, Breams Buildings, E.C.4, and contain the name and address of the Subscriber. In matters of urgency answers will be forwarded by post if a stamped addressed envelope is enclosed.

Liability for Fire upon Motor Van.

Q. 2470. A is a hardware merchant carrying on business in the country, and sends round to the rural districts motor vans hawking hardware and paraffin oil. The motor van in question was driven by A's man B, who was returning to the business premises about 7 o'clock one evening in January. The van caught fire, and B drew up the van to the side of the road within about 18 inches of a shed belonging to C, with the result that the shed was burnt down. It is not known whether B was driving towards the centre of the road and on the van becoming ignited drew to the edge of the road, or whether he was driving within a few inches of the kerb when the fire occurred, and then pulled up. The cause of the fire is unknown. It is thought that the van is some years old, but we cannot place any reliance on this fact in connexion with negligence. Is A liable, and on what account? Is the onus on C to prove negligence, or does the rule *res ipsa loquitur* apply?

A. The above facts are governed by the same principle as questions of damage from sparks from locomotives, viz., that the defendant brought the fire on to and along the highway at his peril, and was bound at common law to keep it in his engine, and not to allow it to escape and damage third parties (see per Swinfen Eady, M.R., in *Mansel* v. *Webb* (1919), 120 L.T., at p. 363). Liability is not dependent upon proof of negligence (see *Powell* v. *Fall* (1880), 5 Q.B.D. 597), and the damage is not too remote (see *Smith* v. *L.S.W. Railway Co.* (1870), L.R. 6 C.P. 14). A is therefore liable, under the rule in *Rylands* v. *Fletcher* (1866), 19 L.T. 220. There is no onus on C to prove negligence, as the above rule applies, and not the maxim *res ipsa loquitur*.

Directors as Debenture-holders.

Q. 2471. X Company Limited is indebted to its bankers in the sum of £Y, which indebtedness is secured by the joint and several guarantee of all the directors of the company (six in number). The company is possessed of (amongst other assets) four factories, and has issued debentures creating a floating charge on its assets. These debentures are held by the directors and other persons. The company is passing through difficult times, and the directors have reason to anticipate being called on by the bank in respect of their guarantee. A suggestion has been made that one of the factories should be sold and the proceeds of sale paid into the bank, thus having the effect of substantially reducing or even wiping out the overdraft and consequently the liability of the Directors under their guarantee. By the company's Articles of Association the directors have full powers of voting in respect of contracts in which they are interested. Doubts have arisen, however, whether in the particular circumstances the directors can properly sell the factory and use the proceeds of sale to reduce the bank overdraft. Can they do so?

A. The opinion is given that, in spite of the Article giving directors full power of voting in respect of contracts in which they are interested, this is a case in which the company should be able to rely upon the directors' unbiased and independent judgment. It is difficult for them to exercise such judgment in the circumstances in which they are placed, as there is a temptation to sacrifice an asset of the company in preference to imposing any personal liability upon the directors. A somewhat similar position was considered in *Victors Limited* v. *Lingard* [1927] 1 Ch. 323, and, as there is no estoppel in the present case to operate in favour of the directors, the question is answered in the negative, i.e., they cannot sell the factory.

Pedigree Bull—Breach of Warranty—Measure of Damages—Remoteness.

Q. 2472. In August last a pedigree bull was sold, warranted sound and right. It was used for service of pedigree foundation cattle. In October it was obviously unwell, and on veterinary examination, found to be suffering from tuberculosis. It was treated for this and got worse, and eventually slaughtered, the post mortem revealing tuberculosis of the spine and gut of long standing. Assuming the warranty to be binding, is the buyer entitled to claim damages from his vendor for breach of warranty for the following items:—

(1) Original cost of bull.
(2) Veterinary expenses.
(3) Cost of slaughter and post mortem.
(4) Cost of the bull's keep from purchase to slaughter.
(5) Loss in market value of the calves from the pedigree foundation cows served by the tubercular bull instead of by a pedigree bull, sound and right.
(6) Loss of time in building up a pedigree herd by reason of the calves from these cows not being suitable for breeding.
(7) Loss of milk resulting from other cows which came due for service after the tuberculosis was discovered not having been served, the buyer being unable to obtain the service of another suitable pedigree bull for the purpose of his foundation stock.

Are any of these items of damage too remote, and if so, why?

A. The question here ultimately resolves itself into one of fact. The damages recoverable in a case of this kind are such as in the opinion of the court or jury are a natural and immediate consequence of the failure of the warranty. We regard item (4) as irrecoverable by reason of redundancy—the use of the bull not having been wholly without result. Item (6), in our view, is essentially too remote, and item (7) objectionable so far as the milking aspect goes, though, possibly, the entire loss of calves of "foundation" quality might properly be taken into consideration: *Smith* v. *Green* (1875), 1 C.P.D. 92, is somewhat in point. There was knowledge of purpose here.

Power of District Council to Contribute to save Amenities of a Township in their District.

Q. 2473. An electric power company are erecting posts and overhead lines in a town in the rural district of H, and with a view to saving the amenities of the town, the council is desirous of having the lines underground, which the company, on account of the great additional expense, decline to entertain, and would only do so provided the council contribute towards the additional expense. Will you please advise if there is any Act giving power to a district council to make such a contribution, and to charge the same either as special expenses on the town concerned, or on the common fund of the council.

A. We are not aware of any Act which authorises a local authority to subsidise a private company. The Minister of Transport, no doubt, gave the council an opportunity of being heard in opposition to the proposal for overhead lines. Electricity (Supply) Act, 1919, s. 21; Electricity (Supply) Act, 1926, s. 44.

In Lighter Vein.

THE WEEK'S ANNIVERSARY.

Lord Chief Justice Bovill was born on the 26th May, 1814. He began his legal career as an articled clerk in a solicitor's office—a circumstance which was of some advantage to him when he started to build up a practice at the Bar. He became Chief Justice of the Common Pleas in 1866 and proved himself a capable, though by no means a great judge, notable principally for his practical mastery of commercial law. Though always courteous and good natured towards the Bar, he exhibited a defect which has been the besetting sin of so many Chief Justices, that of making up his mind before hearing out the evidence. The most famous case he presided over was probably the first Tichborne trial, at the close of which he ordered the prosecution of the claimant for perjury. Ballantine, who led for Orton, draws a rather malicious picture of the judge "accepting advice from a bevy of ladies who clustered round him and took a great interest in the proceedings. This was certainly not upon law, but upon French and geography, in which it was early shown that he had not been thoroughly grounded."

MOURNING AND MURDER.

Even some lawyers did not realise that the white cuffs and "weeper" bands which the High Court judges and the K.C.'s wore last week were mourning assumed for the death of the French President. In this connexion it is interesting to recall the origin of the full-dress of the modern "silk." Chief Baron Pollock said that "Bench and Bar went into mourning at the death of Queen Anne and have so remained ever since," but the real starting point of the black silk gown was the funeral of Mary II. Arrayed in the Court mourning of the period, all the leaders of the legal profession escorted the Queen's body to Westminster Abbey. Thereafter, the K.C.'s, who till then had had no distinctive costume, retained their ceremonial mourning. To return to the French tragedy, this assassination, both in its circumstances and in its fruitless futility, bears a marked resemblance to the death of Spencer Perceval one of England's few barrister Premiers. Perceval had been Solicitor-General, Attorney-General and Chancellor of the Exchequer. It is strange to find in 1812 also Russian grievances turning a man's head and arming his hand to shoot a statesman who had done him no wrong. Bellingham, the murderer, was hanged at the Old Bailey, having been found guilty by "a most respectable jury." Sightseers paid £2 for windows to view the spectacle.

THE DARTMOOR CROWD.

The crowded dock at Princetown, which has been so effectively emptied by Lord Finlay, recalls another mass trial of considerable interest from the point of view of social development—*R.* v. *Selsby and Others*, at the South Lancashire Assizes in 1847. The indictment of the twenty-six prisoners was fifty-seven yards long, and the crime of which nine of them were convicted was in effect organising a boycott of two unpopular employers and picketing their works, "devising and intending, unjustly, unlawfully and maliciously . . . to impoverish one John Jones and one Arthur Potts . . . and to reduce to beggary and want the said John Jones and Arthur Potts." The trial illustrated the enormous difficulty of fastening on individual prisoners their share in corporate offences. Even more striking in this respect was the court-martial of the "Bounty" mutineers in 1793. There were times during the Dartmoor case when the attempts of the convicts to turn the tables and put the prison administration on trial reminded one of Lord Darling's remark that his experience in criminal courts showed that "if prisoners are to be believed, all the virtuous persons are in prison and it is the wicked people who put them there."

Notes of Cases.

High Court—Chancery Division.

In re **Contal Radio Limited.**

Maugham, J. 25th April and 9th May.

COMPANY—WINDING UP PETITION—SECTION 251, COMPANIES ACT, 1929 — DEED OF ARRANGEMENT — MEANING OF "ARRANGEMENT."

The company was registered in 1925 with a nominal capital of £1,000. On the 6th October, 1928, it issued a debenture for £500. On the 19th January, 1932, it issued a further debenture for £500. On the 4th February a creditor issued a writ against it to recover £205 19s. Its assets then amounted to £3,165, and its debts to £8,006. On the 9th February notice of a meeting was sent to all creditors. At the meeting, held on the 17th February, the managing director agreed to guarantee payment of a composition under a scheme whereby it was proposed that the company should enter into a deed of arrangement with trustees for the creditors to pay five shillings in the pound in agreed instalments. The company was to undertake not to increase its debenture issue till final payment and was to deposit the second of the two debentures with the trustees as security. On the 22nd February a committee of creditors decided to recommend the scheme to the general body of creditors. On the 3rd March there was a general meeting of the company. A majority of "three-fourths in number and value of the creditors," as required by s. 251 (1) of the Companies Act, 1929, assented to the scheme. The deed of arrangement was completed on the 15th March, the debenture was deposited and £1,000 sent to the trustee of the creditors as a first instalment. On the 8th March the petitioner herein served on the company notice to pay £1,150 11s. 9d. owing for goods sold and delivered in January. He now required that the company should be compulsorily wound up.

MAUGHAM, J., said that the petition raised a point as to the construction of s. 251 of the Companies Act, 1929. Sections 247 to 255 were stated by s. 246 of the Act to apply to "every voluntary winding-up." As to the meaning of "arrangement," the phrase "compromise or arrangement" was used in s. 153. *Prima facie*, therefore, "arrangement," in s. 251, did not include compromise, which word was deliberately omitted. As to the phrase "about to be wound up," the section applied to a voluntary winding-up and was not applicable if there was no voluntary winding-up. A small composition with creditors, the company remaining solvent, was not an "arrangement" within the section which, therefore, did not apply to the present case. The so-called arrangement was not, therefore, valid or binding on the company's creditors, and the petitioner was entitled to present the petition as an unsecured creditor. His lordship, however, felt bound to have regard to the wishes of the majority of the creditors who did not wish the company to be wound up. An opportunity should be given to pass a scheme of arrangement, if possible, and the petition should stand over, but if no scheme was passed, a compulsory order would be made.

COUNSEL: *Turnbull; Buckmaster.*

SOLICITORS: *Cochrane & Cripwell; G. Edmund Hodgkinson.*

[Reported by FRANCIS H. COWPER, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

Sutton *v.* **Dorf.**

Acton and Talbot, JJ. 3rd May.

LANDLORD AND TENANT—RENT RESTRICTION—STATUTORY TENANCY—WHETHER "PROPERTY" WITHIN MEANING OF BANKRUPTCY ACT, 1914—BANKRUPTCY ACT, 1914, 4 & 5 Geo. 5, c. 59, ss. 53, 167.

This was an appeal by the defendant, Louis Dorf, against a judgment of Judge Cluer, at Shoreditch County Court,

in an action in which Florence Maud Sutton claimed from Dorf the possession of a house of which he was the statutory tenant.

The premises, No. 90, Osbaldeston Road, Stoke Newington, had been let by the plaintiff to the defendant for a period of three years from the 25th March, 1916, at a rent of £48 a year. After the expiration of that term the defendant remained in possession as a statutory tenant. He was adjudicated a bankrupt on the 28th February, 1930, and on the 1st September, 1931, the trustee in bankruptcy purported to disclaim the tenancy under s. 53 of the Bankruptcy Act, 1914. Considering himself bound by the decision in *Parkinson* v. *Noel* [1923] 1 K.B. 117 (67 SOL. J. 184); the county court judge made an order for possession. The defendant now appealed.

ACTON, J., in delivering the reserved judgment of the court, said that the short point raised was whether what was usually called a "statutory tenancy" under the Rent Restriction Acts was "property" within the meaning of s. 167 of the Bankruptcy Act, 1914, and therefore passed to the trustee in bankruptcy of the statutory tenant. In *Parkinson* v. *Noel*, *supra*, it had been decided that that was so, but that was a decision in 1922, and since then the tendency of all the later decisions seemed to be in the opposite direction. His Lordship referred to the following cases: *Nunn* v. *Pellegrini* [1924] 1 K.B. 685 (67 SOL. J. 790); *Roe* v. *Russell* [1928] 2 K.B. 117 (71 SOL. J. 1003); *Lovibond* v. *Vincent* [1929] 1 K.B. 687 (73 SOL. J. 252); *Keeves* v. *Dean* [1924] 1 K.B. 685 (68 SOL. J. 321); and *Skinner* v. *Geary* [1931] 2 K.B. 546 (75 SOL. J. 458), and said that in their lordships' opinion it was impossible to reconcile with the principles clearly enunciated in the decisions of the Court of Appeal subsequent to *Parkinson* v. *Noel* the proposition that a statutory tenancy under the Rent Restriction Acts was "property" of a tenant within the meaning of s. 167 of the Bankruptcy Act, 1914, and as such passed to the trustee in bankruptcy of the statutory tenant. The appeal would therefore be allowed.

COUNSEL: *R. F. Levy*, for the appellant; *C. R. D. Richmount*, for the respondent.

SOLICITORS: *Charles T. Nicholls; Howard A. Laurance and Co.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Whitwell *v.* Shakesby.

Lord Hewart, C.J., Avory and Macnaghten, JJ.
11th May.

OSTEOPATH—"OSTEOPATHIC PHYSICIAN AND SURGEON"—WILFUL AND FALSE USE OF TITLES OF SURGEON AND PHYSICIAN—MEDICAL ACT, 1858, 21 & 22 Vict., c. 90, s. 40.

Appeals by way of case stated from decisions of the Marylebone Police Court Magistrate.

The present appellant, Frederick Downes Whitwell, preferred informations under the Medical Act, 1858, against the respondent, Albert Edward Shakesby, alleging that on the 9th October, 1931, at 9, Dorset-square, N.W., he wilfully and falsely used the titles of surgeon and physician contrary to s. 40 of the Act. On the hearing of the informations it was proved or admitted that on the above date and for some time previously the respondent had affixed to the above address a name-plate stating:—

"Prof. A. E. Shakesby, D.O.(Lond.)
Bonesetter,
Osteopathic Physician and Surgeon."

The respondent was not registered under the Medical Act, 1858, and he was not a legally qualified medical practitioner within the meaning of the Act. He described himself as a doctor of osteopathy and an honorary member of the Incorporated Association of Osteopaths, Ltd., and he was the holder of a certificate issued by the association. The association issued a directory which contained the statement: "Each member has a right under the articles of association to the title of osteopathic physician and surgeon." The magistrate took the view that the respondent had used the titles "wilfully" within the meaning of the Medical Act, 1858, and that the statement in the directory could not and did not afford him any defence, but that, by the use of the words "bonesetter" and "osteopathic" he had qualified the titles "physician and surgeon" so that they became merely an amplification of the description "bonesetter," and, therefore, he did not use the titles "falsely" within the meaning of the Act. The magistrate accordingly dismissed the informations.

Lord HEWART, C.J., said that, as he understood the word "amplification," it meant that something was added, and therefore, that the respondent was describing himself not only as a "bonesetter," but also as a "physician" and "surgeon." He (his lordship) was satisfied that on the facts there ought to have been convictions, and the cases would go back with a direction to that effect.

AVORY, J., also delivered judgment allowing the appeals.

MACNAGHTEN, J., concurred.

COUNSEL: *Hilbery*, K.C., and *G. D. Roberts*, for the appellant; *Maurice Healy*, K.C., and *E. H. Goodman Roberts*, for the respondent.

SOLICITORS: *Hempsons; F. O. Chinner & Co.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

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Parliamentary News.

Progress of Bills.

House of Lords.

Agricultural Credits (Mortgages) Bill.
Read First Time. [12th May.

British Museum Bill.
Read Second Time. [12th May.

Children and Young Persons Bill.
Read First Time. [13th May.

Ford Street Charity Bill.
Read First Time. [13th May.

Goldsmiths' Consolidated Charities Bill.
Read First Time. [13th May.

Grey Seals Protection Bill.
Royal Assent. [12th May.

Law of Property (Entailed Interests) (No. 2) Bill.
Read Third Time. [12th May.

London Local Authorities (Superannuation) Temporary Provisions Bill.
Royal Assent. [12th May.

Maidstone Bread Charities Bill.
Read First Time. [13th May.

Marriages Provisional Orders Bill.
Read Third Time. [12th May.

Marriages Provisional Orders Confirmation Bill.
Royal Assent. [12th May.

Metropolitan Water Board Bill.
Read Third Time. [12th May.

Patents and Designs Bill.
Read Third Time. [12th May.

Port of London (Various Powers) Bill.
Reported, with Amendments. [11th May.

Rating and Valuation (No. 2) Bill.
Reported, without Amendment. [12th May.

Rochdale Corporation Bill.
Royal Assent. [12th May.

Sheffield Corporation Bill.
Royal Assent. [12th May.

Solicitors' Bill.
Reported, with Amendments. [11th May.

South Wales Electric Power Bill.
Royal Assent. [12th May.

Walthamstow Corporation Bill.
Royal Assent. [12th May.

Wheat Bill.
Royal Assent. [12th May.

York Waterworks Bill.
Royal Assent. [12th May.

House of Commons.

Children and Young Persons Bill.
Read Third Time. [12th May.

Ford Street Charity Bill.
Read Third Time. [12th May.

Goldsmiths' Consolidated Charities Bill.
Read Third Time. [12th May.

Law of Property (Entailed Interests) (No. 2) Bill.
Read First Time. [13th May.

Maidstone Bread Charities Bill.
Read Third Time. [12th May.

Metropolitan Water Board Bill.
Read First Time. [12th May.

Ministry of Health Provisional Order (Oxford) Bill.
Read First Time. [12th May.

Ministry of Health Provisional Order (Paignton) Bill.
Read First Time. [12th May.

Ministry of Health Provisional Order (Watford) Bill.
Read First Time. [12th May.

Public Health (Cleaning of Shell-Fish) Bill.
Reported, without Amendment. [12th May.

Sea Fisheries Provisional Orders (No. 2) Bill.
Read Third Time. [13th May.

South Staffordshire Water Bill.
Lords Amendments agreed to. [13th May.

Sunday Performances (Regulation) Bill.
Reported, with Amendments. [12th May.

Universities (Scotland) Bill.
Read Third Time. [11th May.

Wheat Bill.
Lords Amendments agreed to. [11th May.

Questions to Ministers.

DIVORCE COURT ORDER (ALIMONY).

Mr. JAMES DUNCAN asked the Attorney-General whether his attention has been called to a recent case in the Chancery Court in which a woman applied for a committal order against her husband for non-compliance with an order of the Divorce Court to pay alimony, and in which the judge said that he had no jurisdiction in the matter but considered that it was time the law was altered; and whether he contemplates legislation in the early future to deal with this class of case.

THE ATTORNEY-GENERAL (Sir Thomas Inskip): Yes, sir; my attention has been called to the case in question, and I am giving the matter close consideration. [12th May.

Societies.

The Barristers' Benevolent Association.

The Annual General Meeting of this Association was held in the Inner Temple Hall, on Thursday, the 5th May. On the motion of Sir William Hansell, K.C., Lord Russell of Killowen took the chair.

Lord RUSSELL, proposing the adoption of the annual report for 1931, deplored the death of three veteran friends of the Association: T. F. d'Arcy Todd, P. B. Lambert and Ernest Baggalley. They had also to record with deep regret the loss of His Honour Charles Gurdon, who had for twenty years done yeoman service in the capacities of honorary secretary and treasurer, and who had also left the Association a legacy; Mr. E. A. Mitchell-Innes, who had occupied the chair of the Bar Council for all too brief a period; and Dan Stevens, K.C., "big-hearted breezy Dan," one of the donors of the golf cup. Three other members had passed to another sphere, exchanging the affluence and luxury of the Bar for the chill penury of the Bench: Mr. Justice Du Parcq, Mr. Justice Goddard and Mr. Justice Geoffrey Lawrence.

Lord Russell said that he would like to know how far the Lord Chancellor, when urging the Association to revise its bankers' orders in 1931, had had any inkling of the storm which had burst two months later. At present the Association was riding the storm with some success; the subscription total was somewhat larger than in the preceding five years, but the donations owed their respectable figure to a crop of legacies and special gifts; the ordinary donations only totalled about £300. The grants remained at about the usual figure of £7,000. The situation, therefore, was not so comforting as it might appear. It was a great element of danger to the Association that its power of doing good should be dependent upon windfalls. The ideal arrangement was to have a ready and steady flow of subscriptions. Moreover, the financial storm had only burst when more than half the year 1931 was over, so that the critical year was not the year under review but the present year—1932. A considerable number of subscriptions had in fact failed in 1931, and in the first quarter of this year the moneys paid out had exceeded the moneys coming in. It was essential to increase the subscription list both in the number and in the amount of individual subscriptions. The Chairman made a most earnest appeal to the members of the Bar, and hoped that the majority of his hearers were not members of the Association, as he had no wish to preach to those who had already found salvation.

There were three essential tests for the work of a charity: Were its objects deserving and good? Were its funds judiciously administered? Were those funds administered with the minimum of expense? Tried by those tests the Barristers' Benevolent Association emerged like pure gold. There was no more deserving object than the professional man who had fallen on evil days through no fault of his own. Lord Russell testified from personal experience of the care that was bestowed on the investigation of cases. The bulk of the work was voluntary and the sums paid for personal services amounted to less than 4 per cent. of the sums paid out a figure that might be described as the irreducible minimum. The number of barristers in the law list (this part of his address, he admitted, he had had devilled for him!) was more than

12,000, and a very small percentage of them were members of the Association. There were also far too many minimum subscriptions. To any member of the bar who had achieved success, a guinea represented a single consultation—to a silk only half—and it was not a fair proportion of his income to be set aside for his unfortunate brethren. It was the duty of every barrister to see that his earnings paid toll, and that his measure of success at the Bar was fairly reflected in that toll. The Association was the first charity that ought to be put on the barrister's list and the last that ought to suffer any reduction. In 1932 the storm was at its height; it rested with the Bar to see to it that the good ship of the Association weathered the storm, for any diminution of its power would fall on the shoulders of those least able to bear it.

The motion was seconded by Sir LESLIE SCOTT, K.C., who commented on the pleasure felt by members of the Bar in the triumphs of their successful fellows and urged the duty of carrying their own casualties.

Mr. J. ROLT, K.C., proposed and Sir G. A. BONNER seconded a motion to alter the Rules so that the sub-committee empowered to make grants in urgent cases might give £10 instead of £5 outside the long vacation, and £50 instead of £20 inside it. The motion was carried unanimously.

Votes of thanks to the Committee of Management and the officers, the Treasurers and Masters of the Bench of the Inner Temple, and the Chairman, were proposed and seconded respectively by Mr. Justice FARWELL and Mr. GAVIN SIMMONDS, Mr. THEOBALD MATHEW and Colonel Sir STUART SANKEY; and Mr. Justice MACKINNON and Sir WILLIAM HANSELL, K.C.

Solicitors' Benevolent Association.

The monthly meeting of the Directors was held on the 11th inst., at 60, Carey-street, London, Mr. W. Arthur Coleman (Leamington) in the chair. The other Directors present were: Sir A. N. Hill, Bart., Sir E. F. Knapp-Fisher, and Messrs. P. D. Botterell, C.B.E., E. R. Cook, C.B.E., T. G. Cowan, T. S. Curtis, E. F. Dent, C. G. May, E. C. Ouvry, H. F. Plant, A. B. Urmston (Maidstone) and F. S. Ward (Ipswich).

Seven hundred and twenty-eight pounds was distributed in grants of relief; nine new members were admitted; Mr. Charles W. Lee (London) and Mr. Gerald Keith (London) were elected Directors; and other general business was transacted.

Hardwicke Society.

ANNUAL DINNER.

Mr. Colin Pearson, the President, took the chair at the annual dinner of this Society held at the Hyde Park Hotel, on Wednesday, the 11th May. After the loyal toasts had been honoured, Sir ROBERT HORNE proposed the health of the Society.

Sir Robert explained that, knowing that the Society delighted in the exposition of erudite subjects at its dinner, he had come with the intention of speaking on bimetallism, but that on surveying his audience he had decided instead to deal with the topic of the Society itself. This task filled him with trepidation, for the reputation of the Society extended even north of the Tweed as a temple in which the young orators of the English Bar learned how to make those speeches which had made them famous all over the habitable globe.

The law was, said Sir Robert, the greatest profession to which any person could devote himself or herself. Those who practised law derived from it a general culture, and the wide range of information and knowledge which it covered was one of the best educators which a man could have. The lawyer came into touch with every class of humanity and obtained a knowledge of the world which could not be obtained in any other avocation.

THE PRESIDENT in reply said that the Society had suffered during the past year from the urgent claims which the General Election had made on several of its prominent members, who had devoted their talents to the support of various candidates. Their vice-president, Mr. Vyvyan Adams, had stood successfully for a constituency in the North-Eastern Circuit. It was an event without precedent in the history of the Society that an officer, while in office, should become a member of Parliament, but he commended the precedent to the junior officers as one that should be made a tradition. An ex-president of the Society had been elevated to the position of a High Court Judge; Mr. Justice du Parcq was at that moment attending a dinner given in his honour by the Western Circuit, or he would certainly have been with the Society that evening.

Mr. UNGOED-THOMAS, proposing the health of

"BENCH AND BAR,"

said that, as a member of that "dry-as-dust" fraternity, the Chancery Bar, he might fittingly couple with it the name of Mr. Justice Eve. Mr. Justice Eve had adorned the Bench for twenty-five years, had a tolerant understanding of humanity and its failings, and fulfilled the Shakespearean picture of what a judge should be. The speaker continued: "When I feel really depressed I go into Chancery Court I, and there I am cheered by the spectacle of Mr. Justice Eve stretching forth the lily-white hand of equity. I have seen his lordship taking in hand an immaculately-clad City broker, treating him as a parent treats a child, and telling him that, really, 'he who comes to equity must come with clean hands.' There are two guests here to-night who have survived what was, for Chancery, the Flood; Mr. Justice Eve and Mr. Lyttelton Chubb. I believe that Mr. Justice Eve is the only judge in the Chancery Division who has survived the Property Legislation of 1925.

"Mr. Walter Monckton has been cited as co-respondent, a part which he is admirably fitted to fill. I have been going round his pupils enquiring as discreetly as I could into his private life, and every one of them said 'Oh, he *is* a nice man!' During the last week he has displayed communistic tendencies in declaring, as an expert on the heavens, that there is no property in passing clouds. The Prince of Wales has naturally taken the precaution to appoint one possessing these supermundane qualities as his Attorney-General."

Mr. Justice EVE, in reply, spoke of the pride which the bench felt in the confidence which the Society reposed in it; he did not think that this confidence would be injuriously affected by the lamentable and unexpected drop which had taken place in the market quotation for judges. He hoped that a judgeship would still be the legitimate ambition of the majority of practising barristers. He hoped that there would always be found at the Bar men of ripe experience and sound judgment, who possessed every requisite of the good judge; who would be ready and willing to devote their time and talents to the sacred cause of justice. After wishing good luck and a happy career to the coming generation of counsel and judges, he continued, "With all my sentimental proclivities, I have consistently opposed the appearance of women on juries and as pleaders at the Bar. I desire to do justice, and I have already committed myself to half-a-dozen good-looking young ladies and given judgment for them with costs on the higher scale, commitment which troubles me somewhat when I wake up in the night. In order to prove to my brother Benchers and others that I will die in the faith which I have all along proclaimed—the exclusion of women from these precincts—I have left my society a legacy of £10—not duty free, £10!—with an executory gift over to the Home for Lost Dogs if ever they admit a woman on to the bench which we possess!"

Mr. WALTER MONCKTON, also in reply, referred to his appointment as Master of Foxhounds, a post which gives him first-hand knowledge of the law of infringement of copyright—he meant "copyhold"—and the law of what should be done with *bona vacantia* and treasure trove—matters which he assured Mr. Justice Eve were very dear to those who practised in the common law courts. He regretted that he was not a member of the Society.

Mr. VYVYAN ADAMS, in proposing the health of

"THE GUESTS,"

complimented them on their fortitude in braving the alarming sight—especially for a lady—of a dinner where lawyers were consuming their food. He could only refer to Sir Robert Horne with envy and admiration. He said: "Daily I sit in another place and am delighted to observe that whenever he arises to address the House of Commons, he immediately commands the floor and the ear of the House, whereas I am confined, practically, to asking a number of questions which irritate everybody and inform nobody, upon such diverse subjects as the Poet Laureate and the Law Officers. There is something perverse, grotesque, almost fantastic about our political system, when I of all people am permitted to get in by a not inconsiderable majority whereas Mr. Guedalla, one of the leading wits in the country, is obliged to languish outside."

Mr. PHILIP GUEDALLA, in reply, said that he had felt considerable embarrassment in trying to determine why he had been invited to respond to the toast. Perhaps his position was analogous to that of the mummy which the ancient Egyptians, by an agreeable custom, had sent round at a convenient moment in the feast to warn the guests of what they would certainly become in time. He might have been selected—being qualified for membership of the Society, but one who had long ceased to practise—as an awful warning of what might overtake those who did not continue to pursue with assiduity the clients who eluded them. He offered his good wishes to the profession and hoped that the new reforms in the legal system would not cause them serious loss.

Among those present were: Sir Herbert and Lady Lidiard, Colonel Sir Stuart and Lady Sankey, Mr. C. Lyttelton Chubb, Mr. E. B. Stamp, and Mr. G. Tyndale, Mr. G. Granville Sharp, Mr. D. Campbell Lee, Mr. G. G. Raphael and Mr. Morgan May (Ex-Presidents).

The Auctioneers' and Estate Agents' Institute.

ANNUAL DINNER.

The annual dinner of the Auctioneers' and Estate Agents' Institute of the United Kingdom was held at the Connaught Rooms on Thursday, the 12th May. The President (Mr. C. Roland Field) occupied the chair, supported by the President-elect (Mr. H. Mordaunt Rogers), and the Past-Presidents and Vice-Presidents.

After the Royal toasts had been proposed by the President, and heartily pledged, Mr. Alfred J. Burrows, Past-President, proposed "The Bench and the Bar." Their own work, he said, like that of the judges, was immensely diversified. They were ready to survey or value or sell anything, whereas the judges were ready to discuss anything from life and liberty down to lotteries. He suggested that it would be better for their two professions if they could do away with having a jargon of their own, and could also prepare income-tax forms in a way which ordinary men could understand.

The Hon. Mr. Justice EVE, replying for the Bench, said that its occupants were entitled to look upon this toast and its reception as an expression of confidence in themselves. They appreciated being assured from time to time that they still enjoyed the confidence of the public, and not least when the expression came from an important body of business men such as theirs. He felt and hoped that that confidence would not be injuriously affected by the lamentable and unexpected drop in their market price. (Laughter.) They hoped that in due course they would rise again to par. They also hoped that judgeship would still prove the legitimate ambition of the majority of practising barristers, and anticipated that there would always be found at the Bar men of wide experience, sound judgment, and possessing other qualifications necessary for judicial office, who would be willing to devote their talents and time to the sacred cause of justice.

Mr. GRAHAM MOULD, replying on behalf of the Bar, said that that was a profession where "many are called but few indeed are chosen," owing, no doubt, to the discernment of solicitors who did not wish them to be encumbered with the arduous task of dealing with super-tax. (Laughter.) He submitted that the judiciary in this country was the best in the world, and quoted the recent *Portuguese Bank Case* as an instance.

Major The Rt. Hon. W. G. A. ORMSBY-GORE, M.P., First Commissioner of Works, in proposing "The Auctioneers' and Estate Agents' Institute of the United Kingdom," said that his department was responsible for a more varied range of national property, from ancient monuments to some great housing scheme, than any other. He found that many of his staff were members of that Institute, and they told him that they always received ready and courteous help on the many occasions when they consulted the Institute. The Institute, he understood, now had a membership of no less than 6,500, and that in four years' time it would be celebrating its jubilee. It maintained a very high standard at its examination for admission, and he learnt that no less than 50 per cent. of the candidates sitting for the intermediate examination this year were ploughed.

He referred to the state of the property market, and said that, bad as things still were, there was no doubt that we were once again regarded by all other countries as the safest and soundest in the world.

Mr. C. ROLAND FIELD, the President, responded, and thanked Mr. Ormsby-Gore for his words of encouragement. Thirty-six years ago, he said, the Institute numbered 600 members, and had three branches. To-day there were 6,500 members and twenty-three branches.

Mr. H. MORDAUNT ROGERS, President-elect, proposed the toast of "Our Guests," and the Rt. Hon. Viscount BURNHAM, G.C.M.G., replied.

Among those present were The Rt. Hon. The Earl of Mayo; Sir Daniel Hall, K.C.B., chief scientific adviser, and Sir Charles Howell Thomas, K.C.B., secretary, Ministry of Agriculture and Fisheries; Sir Francis Floud, K.C.B., secretary, Ministry of Labour; Sir H. Courthope-Munroe, K.C.; Dame Beatrix Lyall, D.B.E., vice-chairman, London County Council; Mr. Cecil Whiteley, K.C., chairman, London and Surrey Sessions; Mr. P. H. Martineau, president of The Law Society; Mr. J. E. Bidwell, President, Chartered Surveyors' Institute; Mr. J. E. Cowie, President, Land Agents' Society; Mr. F. R. E. Davies, O.B.E., President, Chartered Institute of Secretaries; Mr. H. W. Pilkington, President, Incorporated Society of Auctioneers and Landed Property Agents; Mr. E. C. Elliott, Vice-president, Society of Incorporated Accountants and Auditors; the Mayor of Holborn (Mr. Bracewell Smith); Mr. F. G. Hughes, Secretary, Queen Anne's Bounty; Mr. William Wood, Chairman, Central Association of Agricultural Valuers; Mr. L. S. Sullivan, Vice-president, Royal Institute of British Architects; and Mr. E. H. Blake, Secretary of the Institute.

The Society of Incorporated Accountants and Auditors.

The forty-seventh annual report of the Council of the Society of Incorporated Accountants and Auditors shows that the total number of members on the roll on 31st December, 1931, was 5,664, of whom 341 were admitted during 1931.

The number of candidates examined in the Preliminary, Intermediate and Final Examinations was 2,022, of whom 1,067 passed and 955 failed. The Society's gold medal for 1931 was awarded to Mr. J. Ashworth Smith, of Manchester, who was placed first in order of merit in the Final Examination held in May, 1931. The silver medal was awarded to Mr. T. R. Johnson, of Birmingham, who was second in order of merit at the same examination.

The accounts of the Society for 1931, annexed to the report, show a surplus for the year of £3,789 10s. 6d.

Rules and Orders.

POOR LAW ENGLAND. RELIEF.

THE RELIEF REGULATION (PROVISIONAL) (AMENDMENT) ORDER, 1932, DATED MAY 17, 1932, MADE BY THE MINISTER OF HEALTH.

76,527.

Whereas by the Relief Regulation Order, 1930, made by the Minister of Health under the Poor Law Act, 1930, provision is made in relation to the discharge of the poor law functions of councils of counties and county boroughs in regard to the administration of outdoor relief:

And whereas it is expedient that further provision should be made:

Now therefore, the Minister of Health hereby certifies under section 2 of the Rules Publication Act, 1893, that on account of urgency the following regulations should come into force immediately, and, in exercise of his powers under the Poor Law Act, 1930, and of all other powers enabling him in that behalf, by this order makes the following regulations to come into operation immediately as provisional regulations.

1. This order may be cited as the Relief Regulation (Provisional) (Amendment) Order, 1932.

2. The Relief Regulation Order, 1930, shall from and after the date of this order be read and have effect as if in lieu of paragraph (2) of article 11 there were substituted the following provision, that is to say—

"(2) An order for the grant of relief other than institutional relief shall not be made for a period exceeding—

(*a*) in the case of an able-bodied man, eight weeks:

Provided that the Relieving Officer shall make a report on the case to the appropriate committee immediately before the expiry of the first four weeks after the date of the order and if the report discloses any material change in the circumstances of the case the committee shall forthwith take the report into their consideration and make any new order which may be necessary;

(*b*) in the case of any other person who has not received relief under an order made at any time within the six weeks preceding the application, eight weeks; and

(*c*) in any other case, fourteen weeks."

Given under the official seal of the Minister of Health this seventeenth day of May, nineteen hundred and thirty-two.

(L.S.) *R. H. H. Keenlyside,*
Assistant Secretary,
Ministry of Health.

Legal Notes and News.

Honours and Appointments.

The King has been pleased to approve a recommendation of the Home Secretary that Mr. DIGBY COTES-PREEDY, K.C., be appointed Recorder of Oxford to succeed The Hon. Geoffrey Lawrence, K.C., who has been appointed a High Court Judge.

The King has also been pleased to approve a recommendation of the Home Secretary that Mr. JOHN GRAHAM TRAPNELL, K.C., be appointed Recorder of Plymouth to succeed Mr. Rayner Goddard, K.C., who has been appointed a High Court Judge.

The King has been pleased to approve the appointment of Mr. GEOFFREY KEITH ROSE, M.C., as Recorder of the Borough of Ludlow.

The King has been pleased to approve the appointment of Mr. ARTHUR EDGAR SCROOPE, Indian Civil Service, as a Puisne Judge of the High Court of Judicature at Patna in the vacancy which will be created by the retirement, on 19th July, of Mr. Justice R. L. Ross, Indian Civil Service.

The King has been pleased, on the recommendation of the Secretary of State for Scotland, to approve the appointment of Mr. JAMES A. R. MACKINNON, Advocate, to be Sheriff Substitute of Forfar, at Forfar, in place of Mr. SAMUEL MCDONALD, C.M.G., D.S.O., Advocate, appointed to be Sheriff Substitute of Lanarkshire at Hamilton.

Mr. H. M. SMALL, M.A., LL.B., who graduated at Edinburgh University and was the first Scots solicitor to be enrolled in the Madras High Court, has been appointed to act as Government Solicitor of Madras.

Miss M. G. KEATING, barrister-at-law, has been appointed headmistress of Hornsey High School.

Professional Announcements.

(2s. per line.)

THE SOLICITORS' MORTGAGE SOCIETY, LTD. (formed by Solicitors for Solicitors), invites particulars of FUNDS or SECURITIES. Apply, The Secretary, 20, Buckingham-street, Strand, W.C.2. Telephone No. Temple Bar 1777.

Wills and Bequests.

Mr. Benjamin William Campion, barrister-at-law, of Teignmouth, Devon, left £36,637, with net personalty £34,488.

Mr. Francis Cliffe Watkinson, solicitor, of Lindley, Huddersfield, left £7,066, with net personalty £6,995.

Mr. Alexander Rubens, solicitor, of Aberdare-gardens, N.W., left £18,941, with net personalty £11,939.

Sir Edmund Robert Bartley Bartley-Denniss, K.C., of Belmont, Uxbridge, Conservative M.P. for Oldham, 1911-22, left estate of the gross value of £10,537, with net personalty £9,806.

Mr. John Gibbard Hurst, K.C., of Croydon, who died on 30th November, left £9,665, with net personalty £9,255.

Mr. John Richard Beech Masefield, of Cheadle, Staffs, at one time a solicitor, a cousin of the Poet Laureate, left £13,928, with net personalty £8,510.

Mr. Arthur Herbert Onslow, solicitor, of Bristol, left £19,052, with net personalty £17,763.

Mr. John Sidney Jarvis, solicitor, of Staple Inn, Holborn, W.C., and of Anerley-road, S.E., left £13,281, with net personalty £12,869.

Mr. Percival Beevor Lambert, barrister-at-law, of Bayswater, W., left estate of the value of £36,530 "so far as can at present be ascertained." He left £300 to the Church Missionary Society; £300 to the British and Foreign Bible Society; £300 to the Victoria Cottage Hospital, Sidmouth, "as a slight recognition of much kindness received by me during many visits to Sidmouth"; £250 to the Barristers' Benevolent Society; £250 to the Royal Hospital for Incurables, Putney; £250 to the Society for the Prevention of Cruelty to Animals; £200 to the North China Mission.

Mr. David Hugh Watson Askew, barrister-at-law, of Berwick-on-Tweed, left unsettled estate of the gross value of £20,553, with net personalty £19,101. He left £52 per annum to his gardener, if in his service at the date of his will; £100 per annum to his housekeeper.

TRINITY LAW SITTINGS.

The Trinity Law Sittings will begin Tuesday next, the 24th May. The number of appeals has increased to sixty-seven, as against thirty-nine for the same term last year. There are six interlocutory appeals. Of the sixty-one final appeals, thirteen are from the Chancery Division, including four in bankruptcy; thirty-three from the King's Bench Division, including five from the Revenue side; thirteen from county courts in workmen's compensation cases; and two from the Probate and Divorce Division.

The total number of causes in all divisions is 2,181, a decrease of ninety-nine.

VALUATIONS FOR INSURANCE. It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is frequently very inadequately insured, and in case of loss insurers suffer accordingly. **DEBENHAM STORR & SONS (LIMITED)**, 26, King Street, Covent Garden, W.C.2, the well-known chattel valuers and auctioneers (established over 100 years), have a staff of expert valuers and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, works of art, bric-a-brac, a speciality. 'Phone: Temple Bar 1181-2.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (12th May, 1932) 2½%. Next London Stock Exchange Settlement Thursday, 26th May, 1932.

	Middle Price 18 May 1932.	Flat Interest Yield.			Approximate Yield with redemption		
English Government Securities.		£	s.	d.	£	s.	d.
Consols 4% 1957 or after	98⅜	4	1	1	—		
Consols 2½%	65½	3	16	4	—		
War Loan 5% 1929-47	101½xd	4	18	6	—		
War Loan 4½% 1925-45	101½xd	4	8	8	4	7	0
Funding 4% Loan 1960-90	100	4	0	0	4	0	0
Victory 4% Loan (Available for Estate Duty at par) Average life 31 years	100¼	3	19	10	3	19	8
Conversion 5% Loan 1944-64	109	4	11	9	4	9	4
Conversion 4½% Loan 1940-44	106	4	4	11	3	17	3
Conversion 3½% Loan 1961	89⅜	3	18	5	—		
Local Loans 3% Stock 1912 or after	75¼	3	19	9	—		
Bank Stock	278	4	6	3	—		
India 4½% 1950-55	92	4	17	10	—		
India 3½%	70	5	0	0	—		
India 3%	60	5	0	0	—		
Sudan 4½% 1939-73	102	4	8	3	4	7	10
Sudan 4% 1974	96	4	3	4	4	4	2
Transvaal Government 3% 1923-53 (Guaranteed by British Government.)	89½	3	7	1	3	14	10
Colonial Securities.							
Canada 3% 1938	93	3	4	6	4	6	1
Cape of Good Hope 4% 1916-36	96	4	3	4	5	0	6
Cape of Good Hope 3½% 1929-49	82½	4	4	10	5	1	6
Ceylon 5% 1960-70	107	4	13	5	4	12	2
Commonwealth of Australia 5% 1945-75	93½	5	7	0	5	7	8
Gold Coast 4½% 1956	101	4	9	1	4	8	7
Jamaica 4½% 1941-71	100	4	10	0	4	10	0
Natal 4% 1937	97	4	2	6	4	13	9
New South Wales 4½% 1935-45	74½	6	0	9	7	13	4
New South Wales 5% 1945-65	82½xd	6	1	3	6	5	3
New Zealand 4½% 1945	89½	5	0	7	5	13	7
New Zealand 5% 1946	99	5	1	0	5	2	1
Nigeria 5% 1950-60	106	4	14	4	4	12	3
Queensland 5% 1940-60	86½	5	15	7	6	0	3
South Africa 5% 1945-75	100½	4	19	6	4	19	5
South Australia 5% 1945-75	90½	5	10	6	5	11	8
Tasmania 5% 1945-75	90½	5	10	6	5	11	8
Victoria 5% 1945-75	89½	5	11	9	5	13	0
West Australia 5% 1945-75	90½	5	10	6	5	11	8
Corporation Stocks.							
Birmingham 3% on or after 1947 or at option of Corporation	71	4	4	6	—		
Birmingham 5% 1946-56	107	4	13	5	4	10	2
Cardiff 5% 1945-65	103	4	17	1	4	16	5
Croydon 3% 1940-60	75	4	0	0	4	12	9
Hastings 5% 1947-67	106	4	14	4	4	13	0
Hull 3½% 1925-55	84	4	3	4	4	13	0
Liverpool 3½% Redeemable by agreement with holders or by purchase	84	4	3	4	—		
London County 2½% Consolidated Stock after 1920 at option of Corporation	62xd	4	0	8	—		
London County 3% Consolidated Stock after 1920 at option of Corporation	74xd	4	1	1	—		
Metropolitan Water Board 3% "A" 1963-2003	74½	4	0	6	—		
Do. do. 3% "B" 1934-2003	76	3	19	0	—		
Middlesex C.C. 3½% 1927-47	89	3	18	8	4	10	9
Newcastle 3½% Irredeemable	78½	4	9	3	—		
Nottingham 3% Irredeemable	70	4	5	8	—		
Stockton 5% 1946-66	104	4	16	2	4	15	3
Wolverhampton 5% 1946-56	104	4	16	2	4	14	2
English Railway Prior Charges.							
Gt. Western Rly. 4% Debenture	87½	4	11	6	—		
Gt. Western Rly. 5% Rent Charge	101½	4	18	6	—		
Gt. Western Rly. 5% Preference	65½	7	12	8	—		
L. Mid. & Scot. Rly. 4% Debenture	82½	4	17	0	—		
L. Mid. & Scot. Rly. 4% Guaranteed	70½	5	13	6	—		
L. Mid. & Scot. Rly. 4% Preference	38½	10	7	9	—		
Southern Rly. 4% Debenture	86½	4	12	6	—		
Southern Rly. 5% Guaranteed	92½	5	8	1	—		
Southern Rly. 5% Preference	55½	9	0	3	—		
*L. & N.E. Rly. 4% Debenture	75½	5	6	0	—		
*L. & N.E. Rly. 4% 1st Guaranteed	60¼	6	12	4	—		
*L. & N.E. Rly. 4% 1st Preference	31½	12	13	11	—		

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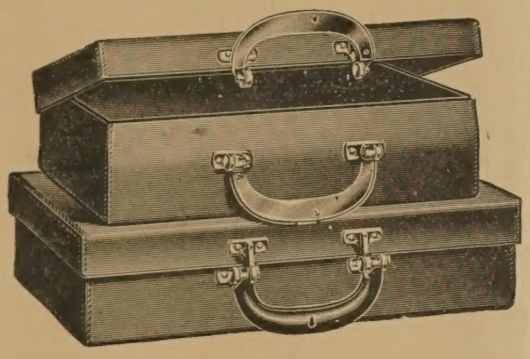

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